

**REMARKS**

In light of the foregoing remarks and amendments reconsideration and withdrawal of the rejections set forth in the Office Action dated November 12, 2004 are respectfully requested. Claims 1-7 were pending in this application at the time the present Office Action was mailed. In the Office Action, the Examiner rejected claims 1-7. Claims 1, 2, and 6 have been amended in this correspondence; accordingly, claims 1-7 are now pending.

**Response to Section 103 Rejection of Claims 1 and 6**

Claims 1-7, including the independent claims 1 and 6, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler et al (Butler), U.S. Patent No. 5,101,126. The Office Action stated that although Butler does not specifically disclose two transistors having different threshold voltage implants, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the specific threshold voltage of the transistors, since they are based on the routine experimentation to obtain the optimum operating parameters.

A *prima facie* case of obviousness under Section 103 requires, *inter alia*, a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings (MPEP at § 2142). The Examiner "must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made." *Id.* "The tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." *Id.* Furthermore, "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the

combination." MPEP at § 2143.01, citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990) (emphasis in the original).

The undersigned respectfully submits that the routine experimentation mentioned in the Office Action, if any, is typically for cancellation of the output offset voltage and not for creation of it. While the literature abounds with means for getting rid of unwanted output offsets, no attempts have been made to use unequal implants at the input stage to create controlled offset voltages at the amplifier's output stage. There is also no suggestion in any of the provided references to do so.

Certainly it could not have been obvious for any person, even the one skilled in the art, if he had to act in opposition to the conventional and customary practices to come up with the present invention. Furthermore, Butler's circuit in Figure 2, cited in the Office Action, traditionally has two matched transistors and nowhere in Butler there is a suggestion or teaching to do otherwise. Therefore, the combination of the present invention and Butler's cited circuit would have destroyed the intended function and construction of Butler's circuit. Regarding such circumstances the MPEP § 2142 and 2143 emphasize that "impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art," and "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."

Such remote and unobvious use of implants in the input stage does not satisfy any of the rejection requirements of Section 103. Therefore, with respect to the requirements of MPEP, and in light of the above arguments, a *prima facie* case of obviousness under Section 103 has not been established with regard to claims 1 and 6, and the undersigned respectfully request the withdrawal of the rejection of claims 1 and 6.

#### **Response to Rejection of Dependent Claim 2-5 and 7**

Claims 2-5 depend from claim 1 and claim 7 depends from claim 6 and hence claims 2-5 and 7 include the features of claims 1 and 6, respectively. For reasons

discussed above and for the additional features of these claims, a *prima facie* case of obviousness under Section 103 has not been established with respect to these claims and accordingly the Section 103 rejection of claims 1-5 and 7 should be withdrawn.

**Conclusion**

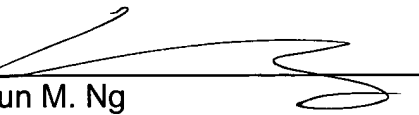
In view of the foregoing, all of the claims pending in the application are in condition for allowance and, therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6488.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 386168009US from which the undersigned is authorized to draw.

Dated:

1/3/05

Respectfully submitted,

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